

Please enter the following new claim:

a5

13. The free fall simulator of Claim 6 wherein said secondary wall is a curtain wall.

REMARKS

This application has been carefully reviewed in light of the Examiner's letter mailed March 28, 2002.

A revised sheet of drawing is enclosed showing Figures 1 and 2. Missing numerals 11, 16 and 32 have been added in red and the Examiner's approval of these corrections is requested.

Claims 1, 3, 4, 7 through 9 and 12 have been amended. Claims 1, 7 and 12 were amended to obviate inadequacies in drafting, which resulted in 112 rejections. Claim 7 required clarification as to the operation and arrangement of the fans and that has been done.

Claims 6, 7 and 10 through 12 were rejected under 35 U.S.C. 112 as being indefinite, the Examiner determining that there was no antecedent basis for "said primary wall" in Claim 6. That circumstance has been alleviated by the amendments to Claim 1 wherein the cylindrical wall has been amended to denote it is the primary wall.

The Examiner also took exception to the structural relationships with respect to the fans in Claim 7, the same circumstance existing in Claim 12. Claim 7 has been amended to more particularly point out that the series of contiguous fans

which create the column of air in the subject invention are turned on and off depending upon which fans are within the then existent column of air. In other words, if the secondary wall is in place, only those fans that are within the confines of that wall are operative to create the requisite column of air.

It is believed that those amendments obviate the rejection under 35 U.S.C. 112 as regards both Claims 6 and 7 and those claims dependent on those claims. Claim 12 was also amended in the same fashion as Claim 7 for the same reasons.

Claim 3 has also been amended to more particularly position the camera outside the column of air.

Claim 5 has been cancelled without prejudice. Claim 5 recites a track which was not intended by the Applicants to be a part of the invention, and that claim has been stricken.

Claim 1 was rejected under 35 U.S.C. 102 as being anticipated by Kitchen patent 5,655,909. It should be recognized, initially, that Applicants did not presume to claim the first recreational, vertically disposed wind tunnel. Reference is made to the specification, beginning on page 2 in the Overview Of The Prior Art. Applicants acknowledge the existence of such prior art devices as the Kitchen et al. '909 patent, as well as several others. Applicants, on the other hand, have devised the first recreational, vertically disposed, variable diameter wind tunnel in which flyers within the tunnel experience a lifting column of air which is moving in laminar flow.

The laminar flow clearly provides a smooth ride, which appears to Applicants, as having no precedent in the prior art.

Kitchen, it is respectfully submitted, does not recite, nor could it, provide such a flow in that it shows a series of modular projection screens 23 which clearly, as illustrated in Figure 2, extend out into the column of air, and in so doing, create turbulent flow, and that turbulent flow is directly in the air in which the flyer (sky diver) 21 intends to operate. For this reason, Applicants have created an environment in which the flyer operates in smooth air and that is not reasonably possible in Kitchen.

Claims 1 and 3 have been rejected under 35 U.S.C. 102(b) as being anticipated by Methfessel. There is no indication that the column of air which flows through Methfessel is laminar in flow, and it is respectfully submitted that for that reason Methfessel fails in the same fashion as does Kitchen. Furthermore, Methfessel may support one flyer, but certainly can not support one or more flyers. Methfessel discloses a portable device which sits on the back of a trailer flatbed and is far more concerned with its ability to be assembled and disassembled quickly than any other aspect of the disclosure.

Claims 2, 6, 7, 11 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Methfessel in view of Louttit British patent 2 062 557. Methfessel has already been discussed, and Louttit, very candidly, adds nothing particularly new or different to the disclosure, and, furthermore, Louttit, contrary to the Examiner's observation, does not obviate or make obvious the variability of the

column of air and, while it discloses a series of fans, those fans are intended to vary the velocity and volume of air moved as distinguished from varying the column. As seen on page 1, beginning at approximately line 69, there is really nothing more than a single column of air provided in Louttit which, by virtue of its funnel shape, has a divergent cross section as it moves upwardly, thereby creating a velocity gradient. The controllability of the fans is intended to effect that gradient and not focus the column of air within the diameter of the chamber then currently in use. Moreover, there is nothing in Louttit or Methfessel that would permit one skilled in the art to create the variable chamber of Applicants. Indeed, there is nothing in the prior art that suggests that such a concept was ever envisioned by the prior art, nor could it be derived from the combination suggested by the Examiner, except perhaps by hindsight.

There is no question about the fact that Kitchen provides a projection screen and that is not what the claims say. The claims provide the capability of using blue screen technology, a technology which Applicants acknowledge existed prior to their invention, but it did not exist, and has not existed, in the environment of the claims, including Claim 4, until Applicants employed it in order to provide a more stimulating environment for the flyer. The Examiner has further rejected Claim 4 based upon 35 U.S.C. 103(b) by adding a reference to Hoyt 6,085,195. No such patent to Hoyt was included in the Applicants' letter, but even if it had been, there is no reasonable suggestion or motivation to combine Hoyt with Methfessel, or any of the other prior art patents, to anticipate Applicants Claim 4 as amended.

Claim 5 has been rejected under 35 U.S.C. 103(a) and Claim 5 has been cancelled without prejudice.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a), the Examiner adding Lenhart patent 6,042,490, Lenhart having been added in an attempt to obviate the goals. However, the structure of Lenhart is such that laminar flow is a virtual impossibility and, while the goals are outside of any air stream, Lenhart would not teach, or suggest, to one skilled in the art where, or how, to place the goals of Applicants in accordance with the claims and, thus, would not anticipate the claims.

Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Methfessel and particularly in view of Hoyt. All of these prior art references have now been discussed and to the extent that one could fairly be motivated to make any of the combinations which the Examiner suggests, they still utterly fail in providing the basic tenants of the present invention, including the variable column of air and the laminar flow conditions which are set forth in Applicants' claims.

It is reiterated that Applicants do not suggest to the Examiner that they have created a pioneer air tunnel or recreational use. They have, however, enhanced the art by providing a recreational facility which is without precedent and which clearly enhances the users experience by providing an optimum environment in which to enjoy the free fall experience.

For the many reasons stated, and under all the circumstances as herein described, it is respectfully submitted that the claims, as amended, are allowable over the prior art and provide a patentable advance. For these many reasons, it is

respectfully requested that the application be passed to issuance with the claims, as amended.

Dated: June 24, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Haase', with a stylized flourish at the end.

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